IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION

APPEAL FROM ORDER NO. 699 OF 2002.

Sheikh Jilan Badsha. ... Appellant.

V/s.

Municipal Corporation of Greater Bombay. ... Respondent.

Ms.Nita Mandhyan i/b. S.M.Associates for the appellant.

J.Xavier for the respondent.

CORAM : A.S.Oka, J.

DATED : 24th January, 2005

P.C. :

1. Learned counsel appearing for the appellant has tendered on record affidavit of Shri Rauf Quereshi, constituted attorney of the appellant. It is stated in the affidavit that the appellant will withdraw Suit No.4534 of 1999 filed by him as he wants to apply for regularisation of the suit structure by making an application to the Executive Engineer, Building Proposal in a proper form within a period of eight weeks from today. The affidavit is taken on record. A prayer is made by the learned counsel for the appellant that to facilitate the consideration of application for regularisation, for a reasonable time the suit structure be protected. Considering the facts of the case the said prayer deserves to be granted.

2. In view of the said affidavit I pass the following order:

(i) L.C.Suit No.4534 of dismissed as withdrawn with no order as to costs.

(ii) If an application is made by the appellant for regularisation of his structure through a licensed Architect to the Executive Engineer, Building Proposal (City) in a proper form within a period of eight weeks from today, the same shall be decided in accordance with law by the concerned authority within a period of eight weeks from the date of receipt of the said application and shall communicate the order passed on the said application to the appellant within a period of one week from the date of passing of the order.

(iii) For a period of twenty weeks from today, respondent Corporation shall not demolish the suit structure and the appellant will also maintain status-quo in respect of the suit structure in all respects.

(iv) Application for regularisation be decided by the concerned authority on its own merits.

3. Appeal is disposed of in the above terms with no order as to costs.

4. All the concerned to act on an authenticated copy of this order.

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